

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293

September 15, 1995



To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Staff Report and Preliminary Staff Analysis on
CITY OF STOCKTON

Background:

The Delta Protection Act states that within 180 days of the adoption of the resource management plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission is required to review, and as appropriate, approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone. The Act allows the Commission to approve such amendments only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the resource management plan:

- a. consistent with the resource management plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.
- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.

- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

City of Stockton Submittal:

The City submitted a letter dated August 21, 1995 (attached).

The City indicates it wants the lands within the City boundary removed from the Primary Zone. The Commission must address the existing map designating the Primary Zone. The Commission cannot change the adopted map; only the Legislature can change the map.

Description of Lands within the City Limits:

The lands within the City Limits of the City of Stockton and the Primary Zone of the Delta include: the City's existing Waste Water Treatment Plant oxidation ponds and a 1.9 acre parcel owned by Mario Jacques (see attached map).

Existing General Plan:

The General Plan designates the ponds "Institutional" and Jacques parcel as "Industrial".

Existing Zoning:

The ponds are zoned "Public Lands" and the Jacques property is zoned "M-1, Light Industrial".

Proposed General Plan Amendments:

No General Plan amendments are proposed.

Analysis in Comparison with the Adopted Plan:

Due to the public ownership of the oxidation ponds and the fact that the existing ponds are being upgraded, indicating continued long term use by the City, and because the Delta Protection Act declares that 'development' does not include... the planning, approval, construction, repair, replacement, alteration, reconstruction, operation, maintenance, or removal of oxidation and water treatment facilities owned by the City of Stockton...", the existing General Plan appears to be in conformance with the adopted resource management plan.

The Jacques parcel is largely developed with a warehouse structure, and has no agricultural or wildlife habitat values.

The adopted resource management plan states: "Where portions of Cities are located within the Primary Zone, Cities shall indicate zoning which was in place on January 1, 1992. Future changes to City General Plans or zoning ordinances shall conform to the adopted Land Use and Resource Management Plan" (Agriculture Policy P-12).

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

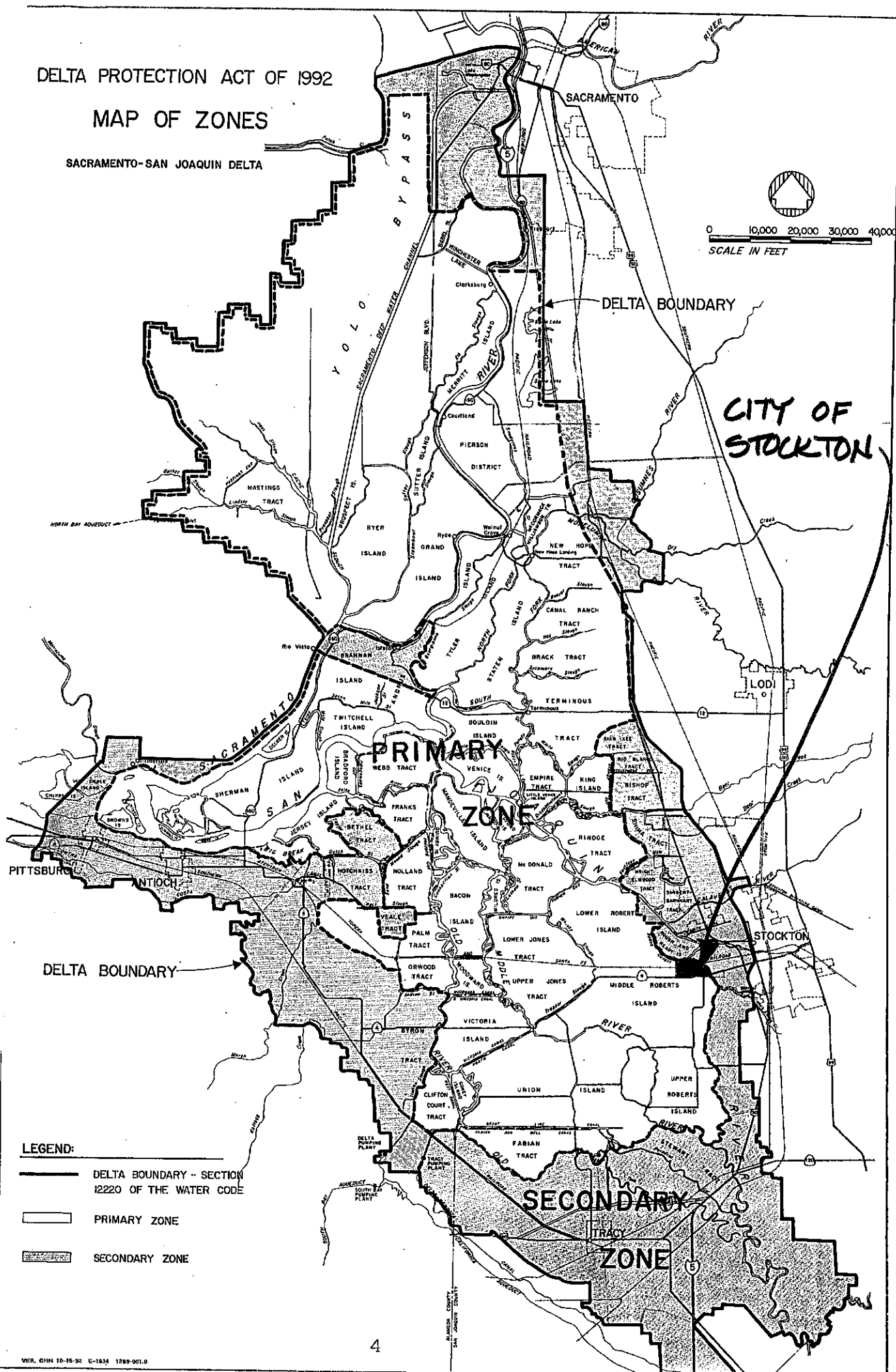
The Commission is required to identify any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning and environmental documents.

Because no General Plan amendment is proposed, and there appear to be no significant environmental resources in the Primary Zone in the City boundary, there are no potentially significant adverse environmental impacts associated with the proposal.

Preliminary Staff Recommendation:

Staff is researching the City's proposal. Staff is not prepared to make a recommendation at this time.

MAP OF ZONES





CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT
CITY HALL
425 N. EL DORADO STREET
STOCKTON, CA 95202-1997 (209) 937-8266

August 21, 1995

Margit Aramburu, Executive Director
Delta Protection Commission
P.O. Box 530
Walnut Grove, CA 95690

CITY OF STOCKTON TERRITORY IN THE PRIMARY ZONE OF THE DELTA

This correspondence is to acknowledge that portions of the City of Stockton and lands indicated on its General Plan Diagram are located in the Primary Zone as described in the Delta Protection Act of 1992. The area includes the City's Waste Water Treatment Plant's oxidation ponds located on Roberts Island. It is the City's goal to eventually remove all of its territory from the Primary Zone, but in the interim, we are concerned about proposed modifications the City intends to undertake to the oxidation ponds. This letter is to confirm our understanding that the Delta Protection Act, under Section 29723(b)(11), specifically excludes "the planning, approval, construction, repair, replacement, alteration, reconstruction, operation, maintenance or removal of oxidation and waste water treatment facilities owned by the City of Stockton" from the review authority of the Delta Protection Commission. In other words, the City may conduct almost any activity within the confines of its treatment facility without Commission oversight provided it does not propose to expand beyond the size of the physical plant.

As indicated above, it is the City's intention to pursue the removal of all of its territory within the Primary Zone, including the oxidation ponds and the 1.9 acre Jaques property at Highway 4 and the San Joaquin River.

We would appreciate a letter confirming our interpretation of those provisions of the Delta Protection Act that applies to the City of Stockton's water treatment facilities.

JOHN CARLSON, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

SAM MAH, DEPUTY DIRECTOR
PLANNING DIVISION

JC:gp

cc: Morris Allen, Municipal Utilities Director
Planning Division



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September 11, 1995

Sam Mah, Deputy Director
Community Development Department
425 N. El Dorado Street
Stockton, CA 95202-1997

Subject: City of Stockton Submittal to Delta Protection
Commission

Dear Mr. Mah:

Thank you for forwarding the City's submittal as required in the Delta Protection Act (Act). The Commission will be holding a public hearing and reviewing the local government submittals at its September 28, 1995 meeting. The meeting will start at 6:30 p.m. and will be held at the Jean Harvie Community Center in Walnut Grove.

In addition, your letter dated August 21, 1995, asked for clarification about exemptions in the Act for work to the City's oxidation ponds. The Act states in Public Resources Code Section 29723 (b) (11) that "'development' does not include...the planning, approval, construction, repair, replacement, alteration, reconstruction, operation, maintenance, or removal of oxidation and water treatment facilities owned by the City of Stockton..."

This language in the Act means that the above activities are not subject to the Commission's appeal authority as outlined in Section 29770 of the Act.

Please feel free to call if you have additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Margit Aramburu'.

Margit Aramburu
Executive Director

cc: Richard Frank

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September 15, 1995

John Carlson
City of Stockton Community Development Department
425 N. El Dorado Street
Stockton, CA 95202-1997

Subject: Delta Protection Commission Consideration of City of
Stockton Lands in the Primary Zone of the Delta

Dear Mr. Carlson:

Enclosed is a copy of the meeting notice and staff report to the Commission for the meeting of September 28, 1995.

As you know, the Commission cannot change the boundaries of the Primary Zone of the Delta, only the Legislature can change the boundaries. Thus the Commission is mandated to enforce the Delta Protection Act as it applies to the lands currently within the boundaries of the Primary Zone of the Delta.

The City's submittal indicates that the existing uses and characteristics of the City's lands do not have high environmental resource values. Also, the Act provides that the City can maintain the existing oxidation facilities.

There is concern, however, that the City's submittal does not address possible future uses of the City's lands in the Primary Zone. For example, if the City decides to abandon the existing oxidation pond use, the City is required by the Act to ensure that future uses of lands in the Primary Zone will be consistent with the Delta Protection Act and the Commission's adopted resource management plan.

The City should provide information as to how the City would address this issue before the meeting on September 28.

It would be helpful if you could attend the Commission meeting and make a brief presentation and/or answer questions, please do. I would appreciate a call if you plan on attending.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Margit Aramburu', with a long horizontal flourish extending to the right.

Margit Aramburu
Executive Director

Enclosure

cc: Mac Freeman,
San Joaquin County Council of Governments Representative